

REMARKS

I. INTRODUCTORY REMARKS

The Office Action dated October 17, 2008 has been received and its contents carefully considered. Claims 1, 3-8, 10-15, and 17-20 are pending in the application. Claims 1, 8, and 15 have been presently amended. The Applicant thanks the Examiner for the careful consideration of this application. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

II. CLAIM OBJECTIONS

On page 2 of the Office Action, claim 8 is objected to because of the informality of “for” which the examiner considers a typographical error from the applicant. Applicant submits that the “for” in claim 8 is not a typographical error. Claim 8 recites, “a computer readable memory comprising program instructions, executable by the at least one processor, for:” The “for” modifies “program instructions” such that claim 8 can be interpreted to recite “a computer readable memory comprising program instructions (executable by the at least one processor) for:” If the phrase is still believed to be in error, the examiner may amend the claim to retain the same meaning, but state “a computer readable memory comprising program instructions, executable by the at least one processor, wherein the program instructions are for:” Reconsideration and withdrawal of the objection is respectfully requested in view of the foregoing remarks.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

On pages 2-3 of the Office Action, claims 1, 3-5, 8, 10-14, 15 and 17-20 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action states that “the page” recited in claims 5, 13 and 19 lack antecedent basis. Applicant submits that “the page” of claim 5 is dependent on claim 3, which is in turn dependent on claim 1. Claim 1, as amended, recites “using data stored in a page,” thus “the page” of claim 5 does have antecedent basis. The same applies to dependent claims 13 and 19 as the claims they depend

upon, claims 8 and 15 respectively, both recite “using data stored in a page.” Reconsideration and withdrawal of the objection is respectfully requested in view of the foregoing remarks.

The Office Action states that “the virtual machine in an address space” of claims 1, 8 and 15 are not clearly understood as it’s known in the art that only virtual machine data/code can be maintained in memory space. Applicant notes that claims 1, 8 and 15 have been amended and the rejection is rendered moot. Reconsideration and withdrawal of the objection is respectfully requested in view of the foregoing remarks.

IV. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

On pages 3-6 of the Office Action, claims 1, 3-7, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. US 2004/0267691 to Vasudeva (hereinafter “Vasudeva”) in view of U.S. Patent No. 6,345,351 to Holmberg (hereinafter “Holmberg”).

Claim 1, as amended, recites “**communicating the data stored in the page** from the first virtual machine to the second virtual machine **by updating a page table** by a processor **by remapping the page** from being associated with the first virtual machine **to being associated** with the second virtual machine.” On the other hand, Vasudeva recites “a system 200 to monitor performance of different domains **associated with a computer system or network**... The computer system or network 200 may include a **plurality of host machines**...that may form a distributed enterprise network.” Vasudeva, Paragraph 38. Vasudeva further explains, “[t]he system 200 may include a system probe 206 **running on each host machine** 202. The system probe 206 may collect operating system data or metrics, host performance or operational data and network data or metrics.” Vasudeva, Paragraph 39. Furthermore, as recited in Vasudeva, “[t]he performance data may be **transmitted from the queue 209 to a base station (BS)**...over an associated **communication link or channel 215 using Transmission Control Protocol (TCP)**.” Vasudeva, Paragraph 41. Thus, Vasudeva does not teach or suggest “communicating the data stored in the page from the first virtual machine to the second virtual machine by updating a page table by a processor by remapping the page from being associated with the first virtual machine to being associated with the second virtual machine” as recited in amended claim 1.

Holmberg fails to supplement the deficiencies of Vasudeva to teach or suggest amended claim 1. The Office Action notes it would be obvious to “provide a page associated with the first virtual machine in an address space associated with the second virtual machine for updating a page table...**in order to maintain the integrity** of page data stored in memory/database tables.” However, amended claim 1 recites “**communicating** the data stored in the page **from the first virtual machine to the second virtual machine** by...remapping the page from being associated with the first virtual machine **to being associated** with the second virtual machine.” Furthermore, Holmberg recites, “a set of **shared virtual pages** is defined that stores data that are **shared by a first job and a second job**. A set of **shared physical pages** in the paged physical memory is also defined, wherein there is a one-to-one correspondence between the set of shared virtual pages and the set of shared physical pages.” Holmberg, Abstract. Thus, Holmberg does not teach or suggest “communicating the data stored in the page from the first virtual machine to the second virtual machine by...remapping the page from being associated with the first virtual machine to being associated with the second virtual machine” as recited in amended claim 1. Reconsideration and withdrawal of the rejection is respectfully requested in view of the foregoing amendments and remarks.

Claims 3-7 are allowable over Vasudeva in view of Holmberg for at least being dependent from allowable claim 1.

Amended claim 15 has been amended similarly to claim 1, and is therefore allowable over Vasudeva in view of Holmberg for at least the same reasons as claim 1.

Claims 17-20 are allowable over Vasudeva in view of Holmberg for at least being dependent from allowable claim 15.

On pages 7-9 of the Office Action, claims 8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vasudeva in view of U.S. Patent No. 7,412,492 to Waldspurger (hereinafter “Waldspurger”) and further in view of Holmberg. Amended claim 8 has been amended similarly to claim 1, and is therefore allowable over Vasudeva in view of Holmberg for at least the same reasons as claim 1. Further, Waldspurger does not supplement the deficiencies of Vasudeva in view of Holmberg to teach or suggest "**communicat[ing] a message stored in a page** from the first

virtual machine to the second virtual machine **by updating a page table** by a processor by remapping a page **from being associated** with the first virtual machine **to being associated** with the second virtual machine” as recited in amended claim 8.

Claims 10-14 are allowable over Vasudeva in view of Waldspurger for at least being dependent from allowable claim 8.

Reconsideration and withdrawal of the rejection is respectfully requested in view of the foregoing amendments and remarks.

CONCLUSION

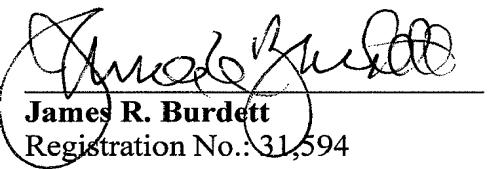
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: January 13, 2009

Respectfully submitted,

By:


James R. Burdett
Registration No.: 31,594

VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998
(202) 344-4000
(202) 344-8300 (Fax)
Attorney/Agent For Applicant

1004858